

PATENT

KOYOP101USA

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Date: January 29, 2007

/Casey L. Martin/
Casey L. Martin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Appellant(s): Jeasung Jay Yoo

Examiner: Alissa L. Hoey

Serial No: 10/772,610

Art Unit: 3765

Filing Date: February 5, 2006

Title: GARMENT AND DETACHABLE GARMENT LINER HAVING A SECURE
AND INTEGRATED POCKET SYSTEM

**Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

REPLY BRIEF

Dear Sir:

Appellant's representative submits this Reply Brief in response to the Examiner's Answer mailed December 7, 2006.

I. Rejection of Claims 1, 2, 3, 5, 6 and 9 Under 35 U.S.C. §102(b)

Claims 1, 2, 3, 5, 6 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Siegel (US 2,073,231). It is respectfully submitted that this rejection should be reversed for at least the following reasons. Siegel does not disclose each and every limitation set forth in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention recited in claim 1 relates to an *outer garment comprising an inner pocket* and a *vest/liner formed to selectively be worn in one of alone and coupled to the outer garment*. The *vest/liner* has *an access slit that facilitates access to the inner pocket of the outer garment* when coupled to the outer garment, and means are provided for fastening and at least partially coupling the vest/liner to the outer garment such that *the inner pocket is accessible via the access slit when the vest/liner is coupled to the outer garment*. It is again maintained Siegel does not disclose or suggest these novel features.

The Examiner’s Answer repeats the same contentions made in the Final Action, and presents new contentions in the “Response to Argument” section. The subject Reply Brief maintains all the arguments made in the Appeal Brief and will only specifically address these new contentions. The Examiner’s Answer now lists the elements of Siegel taken to read on the subject claims and provides a definition of a “sack coat” in an attempt to shore up the rejection. The Examiner’s Answer correctly notes, as had been maintained by Applicant, that the garment of Siegel allows users to place their hands from outside the outer garment into the pocket or through the outer garment opening and through vest/liner slit (60) to a sack coat pocket. However, the Examiner’s Answer further states that “this structure makes it possible for the user to place their (*sic*) hand from inside the liner/vest, through the vest/liner slit and into the pocket of the outer garment.” The Examiner’s Answer also states that “The pocket is accessible by a user

from both the interior of the garment or the exterior of the garment and (*sic*) with or without the lining.” It is again respectfully submitted that Siegel’s jacket is specifically designed to only enable access to an outer pocket in the jacket, not an inner pocket as presently claimed. Further, Siegel’s jacket is also specifically designed to preclude all access through the jacket other than that which is deliberately attempted from the outside of the outer garment, through the outer pocket, and then through the interlining. Indeed, Siegel at page 2, col. 2, line 55 *et seq.* discloses “a pocket so designed that in inserting the hand normally into the pocket there will be no danger of having the hand go through the slit.” (Emphasis added.) The scenario maintained in the Examiner’s Answer is not in any way disclosed or suggested by Siegel, and in fact, the structure disclosed by Siegel actually leads away from such a conclusion. In order to obtain access to Siegel’s outer pocket through the interlining, one would presumably have to fit one’s hand through the “interlining slits 60,” grope around to find the “laminations 51 and 52,” and negotiate around these structures which are designed to preclude access to the outer pocket. Even if such awkwardness would be attempted by a wearer of Siegel’s coat, rather than simply accessing the pocket from the outside in the manner clearly disclosed by Siegel, it remains clear that Siegel’s pocket is an outer pocket in contradistinction to the claimed inner pocket. Therefore, the subject claims plainly recite structure which is not disclosed or suggested in the cited reference, and therefore it remains clear that anticipation has not been demonstrated from this reference against the subject claims.

In view of at least the foregoing arguments, it is respectfully maintained that Siegel does not disclose or suggest every aspect of the claimed subject matter. Accordingly, the rejection of independent claim 1 (and claims that depend there from) should be reversed.

CONCLUSION

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1-12 and 21-27 be reversed.

In the event any fees may be due, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [KOYOP101USA].

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24th Floor, National City Center
1900 East 9th Street
Telephone: (216) 696-8730
Facsimile: (216) 696-8731